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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,930	04/19/2000	Kyle Lemons	CITI0143	2950
27510	7590	10/04/2005	EXAMINER	
KILPATRICK STOCKTON LLP			POLLACK; MELVIN H	
607 14TH STREET, N.W.			ART UNIT	
WASHINGTON, DC 20005			PAPER NUMBER	
			2145	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,930

Applicant(s)

LEMONS ET AL.

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36,45-50 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36,45-50 and 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: see attached office action.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/05 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-36, 45-50, 59-62 have been considered but are moot in view of the new ground(s) of rejection.
3. The 103 rejection has been withdrawn in light of the amendment. A new rejection has been issued.
4. Regarding the claim limitation that the monitored nodes comprise self-service financial transaction terminals, i.e. that the network is a banking or financial network, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 6-14, 16, 17, 21-29, 31-35, 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linskog et al. (6,370,572) in view of Newcombe et al. (6,349,325).

7. For claims 1, 16, Linskog teaches a platform-independent method and system (abstract) for managing node-specific exceptions within network nodes (col. 1, line 1 – col. 4, line 60), comprising:

- a. Providing a plurality of network nodes (Fig. 4, #208-212) coupled to a network management system server (Fig. 1, #12-16, in view of Fig. 4);
- b. Sending node-specific exception data to the network management system server (col. 4, line 60 – col. 5, line 15) by at least one of the plurality of nodes (Fig. 1, #30) regarding at least one node-specific exception event occurring at the node col. 5, lines 15-35);
- c. Remotely storing said exception data by the network management system server (col. 8, lines 55-65);
- d. Receiving a request for information related to said exception data by the network management system server from the user at the client terminal (Fig. 1, #20);
- e. Presenting said information to the user at the client terminal by the network management system server of said exception data (col. 5, line 64 – col. 6, line 5);
- f. Remotely transmitting a corrective response to said at least one node-specific exception event from the user at the client terminal to the at least one self-service financial transaction terminal (col. 5, line 35 – col. 6, line 25), wherein said corrective response is identified by a destination node command (Fig. 6, #308); and

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- g. Remotely monitoring said destination node command associated with said at least one self-service financial transaction terminal to determine a status of said corrective response (Fig. 6, #310).
8. Linskog does not expressly disclose remotely prioritizing said exception data by the network management system server according to pre-defined node-specific exception event priority parameters, or presenting according to said prioritization. Linskog discloses that the monitoring structure is detailed in Newcombe et al. (6,349,325), which would motivate one of ordinary skill in the art to study Newcombe for further detail (col. 1, lines 5-10; col. 5, line 45). Newcombe teaches a method and system (abstract) of developing performance monitoring agents (col. 1, line 1 – col. 3, line 55) in which agents take performance measurements (col. 4, lines 49-60) and weight them (col. 4, line 60 – col. 5, line 25) in order to prioritize event conditions (col. 5, lines 25-55) and displayed as such (col. 10, lines 40-60). At the time the invention was made, one of ordinary skill in the art would have added Newcombe prioritization for the reasons above and to prioritize maintenance activities (col. 5, lines 50-55).
9. Linskog does not expressly disclose the network nodes consisting at least in part of self-service financial transaction terminals, but does disclose that such methods may be used for a multiple of telecommunication node types (col. 1, lines 30-50; col. 2, lines 44-46). The examiner has concluded that the specific type of node, and any financial-specific or banking-specific exception event, does not change the functionality of the monitoring process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, do not patentably distinguish the claimed system. At the time the invention was made, one of ordinary skill in the art would have recognized that any type of node may be

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utilized, and would have allowed for connection to bank networks. See *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

10. For claims 2, 17, Lindskog teaches remotely constructing, administering and printing an exceptions commands log (col. 8, lines 35-60).

11. For claims 6, 21, Lindskog teaches remotely administering said exception data and said destination node command data (col. 14, lines 5-60).

12. For claims 7, 22, Lindskog teaches that said exception data further comprises identification of said at least one self-service financial transaction terminal categorized by at least one of the following parameters for said at least one self-service financial transaction terminal: node filtering, device filtering, message filtering and audible alert filtering (Figs. 1, 4 and 6).

13. For claims 8, 23, Lindskog teaches that said nodes further comprise a plurality of delivery system nodes (Fig. 4, #208).

14. For claims 9, 24, Lindskog teaches that said nodes further comprise a plurality of secondary system nodes (Fig. 4, #215).

15. For claims 10, 25, Lindskog does not expressly disclose that said self-service financial transaction terminals further comprise automated teller machines. The examiner has concluded that the specific type of node, and any financial-specific or banking-specific exception event, does not change the functionality of the monitoring process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, do not patentably distinguish the claimed system. At the time the invention was made, one of ordinary skill in the art would have recognized that any type of node may be utilized, and

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would have allowed for connection to bank networks. See *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

16. For claims 11, 26, Lindskog does not expressly disclose that said nodes further comprise bank servers. The examiner has concluded that the specific type of node, and any financial-specific or banking-specific exception event, does not change the functionality of the monitoring process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, do not patentably distinguish the claimed system. At the time the invention was made, one of ordinary skill in the art would have recognized that any type of node may be utilized, and would have allowed for connection to bank networks. See *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

17. For claims 12, 27, Lindskog teaches that said nodes further comprise communication servers (Fig. 3, #222).

18. For claims 13, 28, Lindskog does not expressly disclose that said nodes further comprise financial servers. The examiner has concluded that the specific type of node, and any financial-specific or banking-specific exception event, does not change the functionality of the monitoring process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, do not patentably distinguish the claimed system. At the time the invention was made, one of ordinary skill in the art would have recognized that any type of node may be utilized, and would have allowed for connection to bank networks. See *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

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19. For claims 14, 29, Lindskog does not expressly disclose that said network further comprises a financial institution's self-service financial transaction terminal network. The examiner has concluded that the specific type of node, and any financial-specific or banking-specific exception event, does not change the functionality of the monitoring process, and any type of use may be used with a reasonable expectation of success. The specific type of node or network, and its intended use, do not patentably distinguish the claimed system. At the time the invention was made, one of ordinary skill in the art would have recognized that any type of node may be utilized, and would have allowed for connection to bank networks. See *Cf. In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

20. For claims 31, 45, Lindskog teaches that the method and means further comprises:

- a. Displaying a user module at the client terminal (Fig. 1, #20) for viewing, selecting, inputting, and transmitting said request from the user to the network management system server (col. 4, line 65 – col. 5, line 15);
- b. Accepting said request by the network management system server upon submission by said user (col. 5, lines 55-67);
- c. Transmitting said information related to said exception data from the network management system server to the client terminal in response to said request (col. 5, lines 30-35);
- d. Translating said information related to said exception data into said corrective response by the network management system server (col. 6, lines 10-20);
- e. Processing said corrective response by the network management system server (col. 7, lines 58-65);

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- f. Storing results from said corrective response by the network management system server (col. 8, line 35 – col. 9, line 15); and
 - g. Sending said results by the network management system server to be displayed by a user interface at the client terminal (Fig. 6).
21. For claim 32, Lindskog teaches managing said exception data associated with said at least one self-server financial transaction terminal (Fig. 1, #12).
22. For claim 46, Lindskog teaches administering and managing said exception data associated with said at least one self-server financial transaction terminal (Fig. 1, #16).
23. For claims 33, 47, Lindskog teaches administering and managing said results associated with said at least one self-service financial transaction terminal (Fig. 1, #14).
24. For claims 34, 48, Lindskog teaches that said corrective response further comprises an on-line request to monitor said at least one self-service financial transaction terminal in real-time (col. 6, lines 20-45; col. 7, line 60 – col. 8, line 35; col. 9, lines 5-20).
25. For claims 35, 49, Lindskog teaches that said corrective response further comprises a destination node command to initiate the corrective response to the at least one self-service financial transaction terminal in real-time (col. 11, line 45 – col. 12, line 20; col. 14, lines 20-60).
26. Claims 3, 4, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindskog and Newcombe as applied to claims 1, 16 above, and further in view of Jacobs (5,761,502).
27. For claims 3, 18, Lindskog teaches remotely constructing a report (col. 2, lines 10-15), but does not expressly disclose wherein said report is a trouble ticket associated with said

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exception data. Newcombe teaches further background on exception reporting (col. 5, line 50 – col. 6, line 67). Jacobs teaches a method (abstract) of telecommunications network management (col. 1, line 1 – col. 3, line 25) that collects fault information (col. 6, lines 10-20) and stores them in a trouble ticket (col. 6, line 60 – col. 7, line 46) of the form expressed above (col. 9, line 35 – col. 10, line 60). At the time the invention was made, one of ordinary skill in the art would have utilized such a report in order to correlate seemingly disparate events (col. 3, lines 40-60).

28. For claims 4, 19, Lindskog and Newcombe do not expressly disclose that said trouble ticket further comprises said destination node command associated with said exception data. Jacobs teaches this limitation (col. 3, lines 35-40). At the time the invention was made, one of ordinary skill in the art would have utilized such a report in order to correlate seemingly disparate events (col. 3, lines 40-60).

29. Claims 5, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindskog, Newcombe, and Jacobs as applied to claims 4, 19 above, and further in view of Hagiwara (6,026,504).

30. For claims 5, 20, Lindskog, Newcombe, and Jacobs do not expressly disclose remotely storing, administering and printing said trouble ticket. Hagiwara teaches a method and system (abstract) of remote node monitoring (col. 1, line 1 – col. 3, line 60) wherein such administration may be utilized (col. 4, line 20 – col. 5, line 40). At the time the invention was made, one of ordinary skill in the art would have utilized the trouble ticket administering in order to determine more efficiently which node causes an error (col. 2, lines 40-50).

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31. Claims 15, 30, 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindskog and Newcombe as applied to claims 1, 16 above, and further in view of Singh (6,308,206).

32. For claims 15, 30, Lindskog and Newcombe do not expressly disclose remotely providing a help mechanism to a user. Singh teaches a method and system (abstract) for monitoring and managing network devices (col. 1, line 1 – col. 2, line 5) in which an exception event (col. 6, lines 40-50) includes links to help files regarding the exception (Fig. 6, #409; col. 6, line 50 – col. 7, line 15). At the time the invention was made, one of ordinary skill in the art would have added help files (col. 6, line 60) to Lindskog and Newcombe's monitoring system in order to ensure that users may use these tools without extensive training (col. 1, lines 15-20).

33. For claim 59, Lindskog and Newcombe do not expressly disclose an applet that is sent with a web page to said client terminal via said network, for user interaction with said at least one self-service financial transaction terminal via said network management system server. Singh teaches the monitoring of managed nodes via web pages (col. 2, line 20 – col. 4, line 45) wherein applets are embedded (col. 3, lines 10-25) to provide greater functionality (col. 7, line 55 – col. 8, line 5). At the time the invention was made, one of ordinary skill in the art would have utilized Singh web methods in Lindskog and Newcombe in order to provide easier mechanisms for building management tools (col. 1, lines 20-25) and to more easily view the state of a managed node (col. 1, lines 50-60).

34. For claim 60, Lindskog teaches a memory component coupled to said network management system server (Fig. 2, #104).

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35. For claim 61, Lindskog teaches at least one database stored in said memory component (Fig. 2, #104).

36. For claim 62, Lindskog teaches at least one database processor coupled to said network management system server capable of processing data contained in said database (Fig. 2, #102).

37. Claims 36, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindskog and Newcombe as applied to claims 31, 45 above, and further in view of Vaid et al. (6,502,131).

38. For claims 36, 50, Lindskog and Newcombe do not expressly disclose that said user interface comprises at least one of the following user modules selected from a group of user modules comprising a login module, an administration module, a branch module, a detail module, an exception module, a command module, a ticket module, a ticket browser module and a status module. Vaid teaches a method and system (abstract) for telecommunications node monitoring (col. 1, line 1 – col. 4, line 15) in which the management GUI (Fig. 2) contains these modules (Figs. 9-15, 19). At the time the invention was made, one of ordinary skill in the art would have used a Vaid GUI as Lindskog and Newcombe do not detail GUI implementation and to provide features that one of ordinary skill in the art would desire, such as security (Fig. 2, #201).

Claim Rejections - 35 USC § 112

39. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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40. Claims 2, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

41. Claims 2 and 17 recite the limitation "exceptions commands log" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 states a destination node command and an exception event, but not an exceptions command. The claims must be amended to clarify this issue.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They detail a variety of useful teachings regarding network node management, and related implementations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D. Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

27 September 2005



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER